

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MATTHEW ROBERT DESCAMPS,  
Plaintiff,  
vs.  
BUSH, et al.,  
Defendants.

NO. CV-11-035-EFS

**ORDER DENYING MOTION FOR  
RECONSIDERATION**

BEFORE THE COURT on remand from the Ninth Circuit Court of Appeals is an "Objection" (ECF No. 8), which was apparently filed simultaneously with Mr. Descamp's Notice of Appeal (ECF No. 9) on February 4, 2011. The Objection has been construed by the Ninth Circuit Court of Appeals as a Motion for Reconsideration. Accordingly, the District Court Executive shall designate that document (ECF No. 8) as a Motion for Reconsideration.

Motions for reconsideration serve a limited function. "[T]he major grounds that justify reconsideration involve an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice." *Pyramid Lake Paiute Tribe v. Hodel*, 882 F.2d 364, 369 n.5 (9th Cir. 1989). Such motions are not the proper vehicle for offering evidence or theories of law that were available to the party at the time of the initial ruling.

1 *Fay Corp. v. Bat Holdings I, Inc.*, 651 F. Supp. 307, 309 (W.D. Wash.  
2 1987).

3 In the instant case, Plaintiff has not alleged that there has been  
4 an intervening change of controlling law. Likewise, he has not offered  
5 newly-discovered evidence that would justify this Court taking a second  
6 look at the issue in question. Thus, the only remaining question is  
7 whether the Court should alter its prior ruling in order to "correct a  
8 clear error or prevent manifest injustice." *Pyramid Lake*, 882 F.2d at  
9 369 n.5. The Court has already explained it is without jurisdiction to  
10 consider Mr. Descamps' claims, and the Court finds its prior ruling was  
11 not clearly erroneous.

12 Accordingly, **IT IS ORDERED** that Plaintiff's Motion for  
13 Reconsideration (**ECF No. 8**) is **DENIED**.

14 To the extent Mr. Descamps is asserting a violation of the Court  
15 Policy Against Discrimination, LR 83.4, Local Rules for the Eastern  
16 District of Washington, ECF No. 8 has been brought to the attention of  
17 the appropriate judicial officer.

18 **IT IS SO ORDERED.** The District Court Executive is **DIRECTED** to  
19 enter this Order, forward copies to Plaintiff and to the Ninth Circuit  
20 Court of Appeals and close the file.

21 **DATED** this 14<sup>th</sup> day of February 2011.

22  
23  
24 S/ Edward F. Shea  
25 EDWARD F. SHEA  
United States District Judge

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